HIGH COURT OF CHHATTISGARH AT BILASPUR

SINGLE BENCH : HON'BLE SHRI H.L. DATTU, CJ.

Writ Petition No. 1839 of 1994

PETITIONER Smt. Angooridevi, Wife of Ramniwas Agrawal, aged 44 years, resident of Village Juna Lakhanpur, Tahsil Ambikapur, Dis
tict Sarguja, M.P.

VERSUS

RESPONDENTS

1. State of Madhya Pradesh, Through Secretary, Department of Revenue, Vallabh Bhawan, Bhopal
2. Collector, Sarguja, MP
3. Dashrath Ram, Son of Manroop, Caste Bargahi
4. Vijay Kumar, son of Prabhu, Caste Bargahi
5. Sohan, Son of Saleek, Caste Baheliya,
6. Bikhal Ram, Son of Roopan, Caste Majhwar,

S.No.3 to 6, all residents of Village Junadih, Police Station Lakhanpur, Tahsil Ambikapur, District Sarguja, MP.

Petition under Article 226 of Constitution of India.

Present: Shri Ashish Shrivastava, counsel for the petitioner.
Shri A.S. Kachhawaha, Govt. Adv. for the State.

ORAL ORDER
(Passed on 1st May, 2007)

The petitioner claims that she is in possession and enjoyment of the lands bearing Khasra Nos.105/1, 105/2 and 106/1 since the year 1975, area measuring 0.332 hect., 0.567 hect. and 0.599 hect., respectively.

(2) The respondent No.2 had issued a show cause notice dated 29-03-1994 in exercise of its power under Section 3 of the Chhattisgarh Krishi Prayojan Ke Liye Upayog Ki Ja Rahi Dakhal Rahit Bhumi Par Bhoomiswami Adhikaron Ka Pradan Kiya Jana (Vishesh Upbandh) Adhiniyam, 1984

('Adhiniyam' for short). Aggrieved by the same, petitioner is before this Court by way of this petition.

(3) It is not the case of the petitioner that a show cause notice was issued by a person who was not competent to do so nor is it the case of the petitioner that the notice has been issued under the repealed provisions of the Act.

(4) Normally, under Article 226 of the Constitution this Court would not interfere unless it is pleaded that the notice had been issued by an incompetent person. In the instant case the petitioner has not stated that the show cause notice was issued by a person who was not competent to do so, nor is it contrary to the provisions of the Act.

(5) In that view of the matter, I am of the opinion that the petition is wholly premature and accordingly the same requires to be rejected and it is rejected. However, liberty is reserved to the petitioner to file her objection, if any, within four months from today. After receipt of such objections, the respondents / Authorities are directed to consider and decide the same in accordance with law. If for any reason the petitioner is aggrieved by the order that may be passed, she is at liberty to question the same before the appropriate forum. The interim order passed earlier will enure to benefit to the petitioner till the respondents / Authorities decide the objections of the petitioner in respect of the show cause notice dated 29-03-1994. Ordered accordingly.

Sd/-
Chief Justice